

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN JOSEPH SIGALA, a/k/a
Hernan Cortes, a/k/a Clyde,

Defendant.

No. 05-CR-4001-DEO

ORDER REGARDING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA

I. INTRODUCTION AND BACKGROUND

On January 18, 2005, an 8 Count Indictment (Docket No. 1, 01/18/2005) was returned against defendant Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a "Clyde"; and a co-defendant. Only Count 1 and Count 8 pertain to defendant Steven Joseph Sigala.

Count 1 of that Indictment charges that between about January, 2002, and continuing through January 16, 2005, in the Northern District of Iowa and elsewhere, the defendant Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a "Clyde", having previously been convicted of a felony drug offense, that is, sell/transport marijuana/hashish on or about February 1, 2001, in Modesto, California, and a co-defendant, did knowingly and unlawfully combine, conspire, confederate, and agree with each

other and with other persons, known and unknown to the Grand Jury, to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 851. This was in violation of Title 21, United States Code, Section 846.

Count 8 of that Indictment charges that on or about January 16, 2005, in the Northern District of Iowa, the defendant, Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a "Clyde", having previously been convicted of a felony drug offense on or about February 1, 2001, in Modesto, California, did knowingly and unlawfully possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. This was in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 851.

On February 7, 2007, defendant Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a "Clyde", appeared before United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Counts 1 and 8 of the Indictment. On the same date,

United States Magistrate Judge Zoss filed a Report and Recommendation (Docket No. 89, 02/07/2007) in which he recommends that defendant Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a Clyde's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review of Judge Zoss's recommendation to accept defendant Steven Joseph Sigala, a/k/a Hernan Cortes, a/k/a Clyde's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is

assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

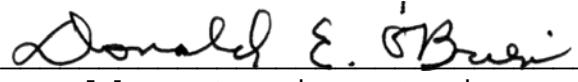
In this case, no objections have been filed, and it appears to the Court upon review of Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that the this Court accepts Judge Zoss's Report and Recommendation (Docket No. 89), and accepts defendant's plea of guilty in this case to Counts 1 and 8 of the Indictment filed on January 18, 2005 (Docket No. 1).

IT IS FURTHER HEREBY ORDERED that in light of the plea entered by defendant Steven Joseph Sigala, the motions pending in this case, "Motion In Limine" (Docket No. 39); "Supplemental Motion In Limine And Memorandum" (Docket No.

44); and, "Motion Pursuant To Rule Criminal Procedure 12.2 Under Seal" (Docket No. 55) are each hereby **denied as moot**.

IT IS SO ORDERED this 27th day of March, 2007.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa